



PHLY-25,087

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jeffrey Jovan Philyaw and Douglas L. Davis

Serial No.: 09/580,848

Filed: May 30, 2000

Group: 2756

Examiner: Steve S. Paik

For: OPTICAL READER AND USE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Adjustment Dear Sir 08/2004 TDANKINS
09/07/2004 TDANKINS 00000004 200780 09580848
01 FC:1253 950.00 CR

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

8/19/04

(Date of Deposit)

Gregory M. Howison

(Name of Person Mailing Document)

(Signature)

8/19/04

(Date of Signature)

AMENDMENT AND RESPONSE TO OFFICE ACTION

In response to the Office Action dated February 9, 2004, please amend the above-referenced

patent application as follows:

09/07/2004 TDANKINS 00000004 200780 09580848

01 FC:1253 950.00 DA

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

AMENDMENT AND RESPONSE
S/N 09580,848
Atty. Lt. No. PHLY-25,087

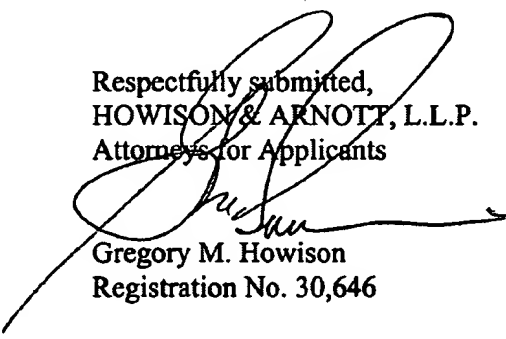
view of independent Claim 1, from which Claims 11-13 depend. Therefore, the combination of *Swartz et al* and *Eastman et al.* does not anticipate or obviate Applicants' present inventive concept. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claims 11-13.

Claims 26-46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Swartz et al.* in view of *Seevers et al.* This rejection is respectfully traversed.

Claims 26-46 depend from Claim 1 and, therefore, for the reasons described hereinabove with respect to the argument in view of *Swartz et al.*, it is believed that the addition of *Seevers et al.* does not cure these deficiencies. Therefore, Applicants do not believe the combination of *Swartz* and *Seevers et al.* anticipates or obviates Applicants' present inventive concept, as defined by amended Claim 1. Dependent Claims 26-46, therefore, are not believed to be obviated under 35 U.S.C §103(a), the withdrawal of which is respectfully requested.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-25,087 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
HOWISON & ARNOTT, L.L.P.
Attorneys for Applicants


Gregory M. Howison
Registration No. 30,646

GMH/yoc
P.O. Box 741715
Dallas, Texas 75374-1715
Tel: 972-479-0462
Fax: 972-479-0464
June 8, 2004

AMENDMENT AND RESPONSE
S/N 09/580,848
Atty. Dkt. No. PHLY-25,087

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number

09580848

CLAIMS AS FILED - PART I

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a))		
TOTAL CLAIMS (37 CFR 1.16(c))	minus 20 =	*
INDEPENDENT CLAIMS (37 CFR 1.16(b))	minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))		

* If the difference in column 1 is less than zero, enter "0" in column 2.

SMALL ENTITY

OR

OTHER THAN SMALL ENTITY

RATE	FEE
	\$ _____
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL	

OR

OR

OR

OR

OR

RATE	FEE
	\$ _____
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL	

CLAIMS AS AMENDED - PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	*	Minus	**	=
Independent (37 CFR 1.16(b))	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

SMALL ENTITY

OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL ADD'L FEE	

OR

OR

OR

OR

RATE	ADDITIONAL FEE
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL ADD'L FEE	

(Column 1)

(Column 2)

(Column 3)

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	*	Minus	**	=
Independent (37 CFR 1.16(b))	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDITIONAL FEE
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL ADD'L FEE	

OR

OR

OR

OR

RATE	ADDITIONAL FEE
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL ADD'L FEE	

(Column 1)

(Column 2)

(Column 3)

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	* 46	Minus	** 69	=
Independent (37 CFR 1.16(b))	* 1	Minus	*** 3	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDITIONAL FEE
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL ADD'L FEE	

OR

OR

OR

OR

RATE	ADDITIONAL FEE
X \$ _____ =	
X \$ _____ =	
+ \$ _____ =	
TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.